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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
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8 ADOBE SYSTEMS INCORPORATED,

No. C-14-3721 EMC

9 Plaintiff,

10 v.

11 BARGAIN SOFTWARE SHOP, LLC,

12 Defendant.  
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**ORDER TO SHOW CAUSE RE  
PLAINTIFF'S MOTION TO STRIKE  
AND MOTION TO DISMISS; AND  
ORDER TEMPORARILY VACATING  
HEARING ON PLAINTIFF'S MOTION  
TO STRIKE AND MOTION TO  
DISMISS**

**(Docket Nos. 41-42)**

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16 Plaintiff Adobe Systems Incorporated ("Adobe") initiated this lawsuit against Defendant  
17 Bargain Software Shop, LLC ("BSS"), alleging, *inter alia*, trademark and copyright infringement.  
18 Subsequently, BSS filed a counterclaim against Adobe. The claims asserted were: (1) a claim for  
19 declaratory relief; (2) a claim for tortious interference with prospective contract; and (3) a claim for  
20 business disparagement.

21 Currently pending before the Court are two motions filed by Adobe: (1) a motion to strike  
22 BSS's claim for declaratory relief and (2) a motion to dismiss all three claims asserted in BSS's  
23 counterclaim. BSS did not file an opposition to either motion within the timeframe provided by the  
24 Civil Local Rules. Thereafter, upon inquiry from the Court, BSS informed the Court that it did not  
25 intend to file an opposition to either motion.


26 Due to the lack of any opposition brief, the Court could well grant Adobe's motions.  
27 However, out of an abundance of caution, the Court hereby orders BSS to show cause as to why  
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1 Adobe's motions should not be granted with prejudice. BSS's response shall be filed by **February**  
2 **5, 2015**. If no response is filed by this date, the Court shall grant the motions with prejudice.

3 In the meantime, the February 19 hearing on Adobe's motions is temporarily **VACATED**.

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5 IT IS SO ORDERED.

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7 Dated: January 29, 2015

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10 EDWARD M. CHEN  
11 United States District Judge  
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